

The Law

Definition of Impairment

In New Jersey, a person is guilty of drunk driving if he/she operates a motor vehicle with a Blood Alcohol Concentration (BAC) of 0.10 percent or greater. BAC refers to the amount of alcohol in your blood.

Although the law refers to a 0.10 percent BAC, you can be convicted of driving while under the influence of intoxicating liquor even when your BAC is below 0.10 percent.

Consuming even small amounts of alcohol dulls the senses, decreases reaction time, and hampers judgement, vision and alertness.

If you consume any amount of alcohol and your driving is affected, you can be convicted of drunk driving.

Parents and Guardians

A new provision (Public Law 99, Chapter 410) was added to New Jersey's driving under the influence laws and penalties.

A parent or guardian who is convicted and who has a minor under age 17 as a passenger in the motor vehicle is also guilty of a disorderly persons offense.

In addition to the penalties otherwise prescribed by law, a person shall forfeit the right to operate a motor vehicle for a period of not more than six months and shall be ordered to perform community service for a period of not more than five days.

The Penalties



1st Offense

- a fine of \$250-\$400*
- imprisonment for up to 30 days*
- 6 months to 1-year license suspension*
- a minimum of 6 hours a day for 2 days detainment in an Intoxicated Driver Resource Center (IDRC), at a charge of \$75 a day
- an automobile insurance surcharge of \$1,000 a year for 3 years



2nd Offense

- a fine of \$500-\$1,000*
- imprisonment of at least 48 consecutive hours, and up to 90 days*
- 2 - year license suspension*
- 48 consecutive hours detainment in a regional Intoxicated Driver Resource Center, at a charge of \$100 a day
- an automobile insurance surcharge of \$1,000 a year for 3 years



3rd Offense

- a fine of \$1,000*
- imprisonment of 180 days

- 10 - year license suspension*
- detainment in an in-patient alcoholism treatment program
- requirements set by the Intoxicated Driving Program/Intoxicated Driver Resource Center
- a fee to be paid to the Intoxicated Driver Resource Center dependent upon court sentence
- an automobile insurance surcharge of \$1,500 a year for 3 years

Any Offense Also Carries

- \$100 surcharge to be deposited in a drunk driving enforcement fund
- a Division of Motor Vehicles restoration fee of \$50 and an Intoxicated Driving Program fee of \$100
- a Violent Crimes Compensation Fund fee of \$50
- a Safe and Secure Community Program fee of \$75

Registration Revocation/Ignition Interlock

In addition to the penalties listed, judges may order the installation of an ignition interlock device or the revocation of vehicle registration (Public Law 2000, Chapter 83). The ignition interlock device, which measures the driver's blood alcohol level, may be required for up to three years following license restoration after a DUI conviction.

* If occurring within a school zone or school crossing, this penalty is increased under Public Law 99, Chapter 185.

Consequences of Underage Drinking and Driving

In New Jersey, you must be 21 to purchase, possess or consume alcoholic beverages. Underage drinking is illegal and can have severe consequences for young people who drink and for adults who provide alcoholic beverages to those under 21.

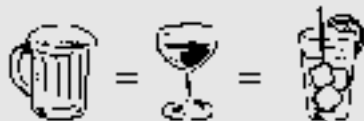
Buy or drink alcohol in a place with an alcohol beverage license, and you may be fined \$500 and lose your license for 6 months. If you do not have your driver's license, the suspension starts when you are first eligible to receive a license. And you may be required to participate in an alcohol education or treatment program.

If you are under 21 and drive with any detectable amount of alcohol in your system (.01 BAC or above), you will be subjected to the following penalties:

- loss or postponement of driving privileges for 30 to 90 days
- 15 to 30 days of community service
- participation in a program of alcohol education and highway safety



A Drink is a Drink is a Drink



Volume	12 oz.	5 oz.	1 1/3
Percent Alcohol	4.5%	11%	40%
Amount Alcohol	.54 oz.	.55 oz.	.53 oz.

Source: NHTSA.

Driving with a Suspended License due to Driving Under the Influence

- a fine of \$500
- 10 to 90 days imprisonment
- 1 to 2 years added license suspension
- if you have an accident and someone is hurt while your license is suspended, you face a mandatory 45 day jail sentence
- Revocation of motor vehicle registration

Refusal to Submit to Breath Test

- 1st offense - \$250-\$500 fine and a 6-month license suspension*
- 2nd offense - \$250-\$500 fine and a 2-year license suspension*
- 3rd offense - \$250-\$500 fine and a 10-year license suspension*
- automobile insurance surcharge of \$1,000 a year for 3 years for 1st and 2nd offenses, \$1,500 for 3rd offense
- \$100 surcharge to be deposited in a drunk driving enforcement fund
- requirements set by the Intoxicated Driving Program/Intoxicated Driver Resource Center

Possessing an Open Container in the Passenger Compartment

- 1st offense - \$200
- 2nd offense - \$250 fine or 10 days of community service



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Cover Photo: New Jersey State Police

Driving Under the Influence in New Jersey

LAWS AND PENALTIES



NJ Department of Law and Public Safety
Division of Highway Traffic Safety